

## **REMARKS**

[0001] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-11 and 16-43 are currently pending
- Claims 12-15 were previously canceled
- Claims 1, 16, 24, 30, 33, and 40 are amended herein

[0002] Support for the amendments to the claims is found in the specification at least at [0052].

## **Cited Documents**

[0003] The following documents have been applied to reject one or more claims of the Application:

- Gosior: Gosior et al., U.S. Patent No. 6,684,062 ('062)
- Gosior: Gosior et al., U.S. Patent Application Publication 2002/0110296 ('296)

## **Rejections**

[0004] Claims 1-11, 16-34, 36-37, and 42 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gosior ('062). Please note that although claim 42 is missing from the listing of claims on page 2 as allegedly being rejected under 35 U.S.C. § 102(e), a rejection of claim 42 is found on page 5 under the 35 U.S.C. § 102(e) rejection section. Thus, Applicants will treat claim 42 as standing as rejected under 35

U.S.C. § 102(e) as allegedly being anticipated by Gosior ('062). Applicant respectfully traverses this rejection.

*Independent Claim 1*

[0005] The Examiner indicates (Action, p. 3-4) the following, in pertinent part, with regard to claim 1:

to a standard as pointed out in page 13 of the response. The RSSI is transmitted in the CRH (controller response to poll header) along with QOS information in what Gosior calls the, "data control and RF link control information" section of the sub-header (Col. 10, lines 14-25). Since Gosior groups the data control information and RF link control information in to one item (examiner notes the 3 pieces of information in the header, data type(1), data address(2) and data control information and RF link control information (3)) the examiner views the QOS data and RSSI data as one group of control data (QOS associated metrics, with at least one being met to determine that the QOS is acceptable). Col. 10, lines 2-3 state that there are multiple headers,

[0006] The cited references, and specifically, Gosior ('062), do not describe each and every recital of claim 1, as amended, which is copied below (in pertinent part, with emphasis added):

a host that receives game controller data and determines quality of service (QOS) on the received game controller data, the QOS of the received game controller data having **a plurality of metrics associated therewith**, with **a subset of the plurality of metrics being selected that are applicable to a current state** of the gaming system, with **a number of metrics of the subset of the plurality of metrics** being met to determine if the QOS is acceptable...

a game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, the QOS on the received host data having **a plurality of metrics associated therewith**, with **a subset of the plurality of metrics being selected that are applicable to a current state** of the gaming system, with **a number of metrics of the subset of the plurality of metrics** being met to determine if the QOS is acceptable...

[0007] Gosior describes at page 12:

The poll packet, as shown in FIG. 13, is sent by base transceiver 12 to initiate the polling volley. Since the poll packet is sent once per packet volley it contains information relating to each of the associated controllers. Within each polling cycle each controller 10 will send a response packet as shown in FIG. 14. The poll packet has several components:

**TPPH—Transceiver Polling Packet Header**

The TPPH is the overall header for the polling packet. It contains packet type, polling control (e.g. flow control, redundant packet flag) and base transceiver address, other channel address information. It may contain other application dependent fields for other data and protocol control purposes.

**CPH#n—Controller #n Polling Header**

The CPH is a sub-header in the polling packet. Each controller 10 being addressed by base transceiver 12 pref-

erably has a separate CPH and CPD component containing data type, data address, and data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information.

**CPD#n—Controller #n Polling Data payload**

Each controller 10 associated with a base transceiver 12 is sent information relating to the particular application. Gaming and generic data payload characteristics are described below.

**CRC—Cyclic Redundancy Checking**

The data packet is protected with a CRC-16 (or better) frame check ( $x16+x12+x5+1$ ).

The response packets from each individual controller 10 have several components:

**CRH#n—Controller #n Response to Poll Header**

The CRH is a header for the controller 10 response to a base transceiver 12 poll packet. Each controller 10 must send a response to the poll request made by base transceiver 12 containing data type, data address, and data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information.

**CRD#n—Controller #n Response to Poll Data payload**

Each controller 10 sends data to its associated base transceiver 12 using this field. Gaming and generic data payload characteristics are described below.

**CRC—Cyclic Redundancy Checking**

The data packet is protected with a CRC-16 (or better) frame check ( $x16+x12+x5+1$ ).

[0008] Thus, Gosior ('062) merely describes a poll packet sent by a base transceiver and a response packet sent by a controller, with the poll packet comprising a Controller

Polling Header and the response packet comprising a Controller Response to Poll Header, each packet containing data type, data address, and data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information. See column 9, lines 51-column 10, line 23. Further, as stated in the OA at page 4, “the examiner views the QOS data and RSSI data as one group of control data (QOS associated metrics, with at least one being met to determine that the QOS is acceptable).” To that end, Gosior (‘062) does not describe determining which of the QOS associated metrics (as described in the Office Action) are applicable to a current state of the transceiver, controller, or any combination thereof, much less that a number of the QOS associated metrics (as described in the Office Action) that are applicable to the current state are being met to determine if the QOS is acceptable.

[0009] As shown above, the cited art, alone or in combination, does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim

#### *Dependent Claims 2-11*

[0010] In addition to their own merits, dependent claims 2-15 are allowable for at least similar reasons that independent claim 1 is allowable. Applicant therefore requests that the Examiner withdraw the rejection of dependent claims 2-11.

*Independent Claim 16 and Dependent Claims 17-23*

[0011] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight to independent claim 16 and the cited reference does not disclose all of the claimed elements and features of independent claim 16. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 17-23 are allowable for at least the similar reasons as independent claim 16 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 17-23.

*Independent Claim 24 and Dependent Claims 25-29*

[0012] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight to independent claim 24 and the cited reference does not disclose all of the claimed elements and features of independent claim 24. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 25-29 are allowable for at least the similar reasons as independent claim 24 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 25-29.

*Independent Claim 30 and Dependent Claims 31-32*

[0013] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight to independent

claim 30 and the cited reference does not disclose all of the claimed elements and features of independent claim 30. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 31-32 are allowable for at least the similar reasons as independent claim 30 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 31-32.

*Independent Claim 33*

[0014] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight to independent claim 33 and the cited reference does not disclose all of the claimed elements and features of independent claim 33. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

[0015] Furthermore, claim 33 recites at least (emphasis added):

means for changing communication power levels in a game controller, wherein transmission power is changed based on the QOS determination of the game controller data and receiver sensitivity is changed based on the QOS determination of the host data, ***wherein the power levels of operation are predetermined and expressed in a table including upper threshold power level, lower threshold power level, and intermediate power levels, wherein a magnitude of the transmission power and the reception sensitivity conserves consumption of the battery***

[0016] To that end, Applicant's cannot locate within the alleged rejection of claim 33 any specific reference or rejection of the subject matter of the emphasized portion of claim 33. Please see OA, page 2-4. Applicant is unsure if the subject matter of the above emphasized portion of claim 33 was not addressed in the Office Action or if the subject matter of the above emphasized portion of claim 33 is allowable. Please clarify.

*Dependent Claims 34-39*

[0017] In addition to their own merits, dependent claims 34-39 are allowable for at least similar reasons that independent claim 33 is allowable. Applicant therefore requests that the Examiner withdraw the rejection of dependent claims 34-39.

*Independent Claim 40 and Dependent Claims 41-43*

[0018] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight to independent claim 40 and the cited reference does not disclose all of the claimed elements and features of independent claim 40. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 41-43 are allowable for at least the similar reasons as independent claim 40 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 41-43.

## **Conclusion**

[0019] Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representative for Applicant

/Michael D. Carter 56661/ Dated: /Dec. 31, 2009/  
Michael D. Carter(michaelcarter@leehayes.com; 512-505-8162 x5004)  
Registration No. 56661

Reviewer/Supervisor: Emmanuel A. Rivera  
emmanuel@leehayes.com; ; 512-505-8162 x5001  
Registration No. 45760